P.F. 310-1

G. R. S. IX-5]

Previous references. 1896-97

192 .

File No. 10-96

Police .)

Serial Nos. 1-2

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1-2.

In Part B for March 1897.

SUBJECT.

Appeal of Doddi Venkatappa Setty and others of Nagarthpet, Bangalore city, against the paning of Desadaparty procession with music in Nagarthpeta.

S/. 2

To,

The Deputy Commissioner, Bangalore District.

D.O. G.26. 3. 1897

Issues necessary instructions in the matter.

WD 2223—GPB—20,000—14-6-20

Andhra

Appeal-Suit No 80
of 1892-93.

Appellants:— B. Narayana Setti
and others of the Nine Pana
Sect, residing in Nagarathpet
Bangalore City

Respondents:— Guruba Setti
and others of the Eighteen
Pana Sect, residing in
Desada Petta.

The Avenue road running
from the Yalahanka Gate
to the Fort (generally) separates the Naga-
rat Petta from the Desada Petta,
the former being situated to the
east and the latter to the
west of that road. The Nagarat
Petta is mostly inhabited by
the people belonging to the
Nine Pana Sect, and the
Desad Petta by the people
belonging to the Eighteen Pana
Sect. It is stated to be Mamool

for the processions belonging to one Pettah not to pass through the other Pettah. A street in the Cubbon Pettah (which is wholly to the east of the avenue road) from the Yelahanka gate up to the second lamp post is claimed by the Eighteen Pana people to belong to their Pettah on the ground that ~~that~~ it is wholly inhabited by the people of their sect. The other party oppose the claim on the ground that the street is on their side of the avenue ~~road~~ road.

In May 1890, the ~~Banajiga~~ people of a procession belonging to the Desada Pettah passed through ~~their disputed~~ the above said street in the Cubbon Pettah. The Nagarath Party lodged a criminal complaint in the District Magistrate's Court against the Desada Party for bringing their procession in the said street. Mr. J. W. Knight, the then Superintendent of Police is said to have made* an exhaustive enquiry and submitted an

* The record of this enquiry and the proceedings ending with the District Magistrate's order now appealed against are not in the file.

These proceedings have been subsequently received with the Dy Comr's No 1609/15-3-95 An abstract of them is given

of 22nd Dec. 92
(vide encl. to
Petn (1)]

elaborate report." The present District Magistrate, as the Head of the District Police, passed an order permitting the procession of the Desada Party to pass through the above said street in the Cubbon Petta.

The present appeal to Government is against the above order

In this office Ro 875 of 21-1-93, the Deputy Commr was asked to submit a report as to what has been the mamool with regard to processions of Desada Petta and Nagarat Petta people.

Under the District Magistrate's order, the Amildar of Bangalore examined the two parties and their witnesses and submitted a report.

On the 16th March 93, B. Narayanasetti & another deposed as follows:—

"We are all of the Nagarat Petta. According to mamool, processions of our gods do not go to Desada Petta, nor

do the Desada Petta processions come to our Petta. A petta named Cubbon Petta is in existence for the last 50 years. It was newly built at the time of Sir Mark Cubbon the late Chief Commr, and was therefore so named. The site of this Petta belongs to Nagarat Petta. Formerly, people belonging to the Nine Pana Sect ie Madigars had built a Palya in that site and lived there. It was acquired by Govt and sold ~~by~~ by auction. People that were living in Desada Petta, Nagarat Petta and other pettas purchased the site, built houses & and have been residing there. .... We will produce records to prove that this place belongs to the Nagarat Petta and not to the Desada Petta." ..... "

Mahomed Khasim Sab and ~~a~~others deposed that it was customary for Weavers and others of Nagarat Petta to assemble, ~~on the~~ & ~~road~~ for going to Annamma temple with "Arathi", in the road in front of the house of one Biram Sab &

to proceed along that road from the lamp post near that house up to the next lamp post, and then to go in front of the Yalahanka Gate Station, that there was no practice of Desava Petta processions passing through the street to the east of the Yalahanka gate, up to the second lamp post, and that they (witness) resided near the street which is close to the Biram Sab's house.

I. Ramaswami, a resident of Cubbon Petta deposed that he belonged to neither of the two sects, that he had seen for the last 40 years processions of several deities of the Desava Petta people pass through the street which is between the Yalahanka gate & the 2nd lamp post to the east of it, but did not know that processions of the Nagarat Petta people were never taken there that date except once, but then the procession was not an

annual one.

D. Varadappa, Nanjundappa, and Ariantaiya, all residents of Cubbon Petta deposed to the same effect.

H. Garudachar, Police Head Constable stated that he was in charge of the Yelahanka gate station for 5 or 6 years, that the procession of ~~Chow~~ Chowdevaramma of Arale Petta, belonging to the people of the Desada Petta was every year passing through the up to the Yelahanka gate Avenue road, ~~from Cubbon to the north at the Yelahanka gate~~ then, through the Cubbon Petta up to the second lamp post, and ~~and~~ then through Kavadiya Revanna's Petta, ~~on~~ that about 5 or 6 years ago a procession of "Rudrana Kalige" & "Nandikolu" went in the same route up to the 2nd lamp post in the Cubbon Petta & returned through the same Petta, and that the same thing was done in 1888 or 1890, when a dispute arose between the two parties.

Mohammed Mohadin Sabe a Sergeant ~~in the Police~~, and Lippanna a constable made similar statements, saying that they were for many years in the Yalahanka Gate station.

The Appellants produced the following Exhibits:—

(1) 15 licenses granted to Gunba Setti of Devanjada Ramannan Petta for ~~taking~~ processions through Cubbon Petta & some other Pettas.

This is not in the file.

(2) × Copy of account No 12 of the Municipal Board.

(3) ~~X~~ Copy of Muchalika addressed to the Police Superintendent & executed by the Setti & the Yajaman of Nagarat Petta to the effect that ~~as~~ their sect or the Eighteen Pana Sect may be granted license to take processions in the street extending from the Yalahanka Gate to the 2nd lamp post to the east of it, according as the same may be established from Govt records to belong to Cubbon Petta or to the

Kavadiga Revanna Setta.

(41) Copy of Muchalika, ~~Counsel~~ to the same effect, ~~to the Counsel~~, executed by the Setti & Yajaman of Dodda Setta.

Respondents produced 98 exhibits consisting of Municipal receipts & notices and of licenses for taking processions in the Desada Setta.

The Amildar's report is to the effect that there is nothing clear regarding the dispute, in the documentary evidence produced by the parties, that the witnesses on the side of the Appellants are not the residents of the street ~~through~~ which, they state, the processions do not pass, whereas, those on the side of the Respondents are the residents of the street through which they state it is the usual for processions of the Desada party to pass, that the evidence of the police Constables who were with the processions on duty is favourable to the Respondents, and that therefore the Respondents,

that the people of the Eighteen Pana Sect of Desada Petta and none of the nine Pana sect of the Nagarat Petta reside in the disputed street and that therefore it appears to be true that the Desada Petta people ~~were~~ have been passing with their procession through that street.

The Dis^{t} Magt. in his docket No 1084 of 26-4-93 dated:- 'Appears from the report of the Assistant that it is usual with the Desada pete people to take their processions in the Cubbonpete as far as the 2nd lamp post fixed by the Municipality and almost all the people residing in that street belong to 18 Panas (Desada people)'.

S.C. 13/8/93

P. T. O.

Views Contra.

In reply to this office No. 2931/241 of 14th August 1893, the Deputy Commr forwarded the proceedings of Criminal case No. 58 of 92-93 on the file of the District Magistrate of Bangalore, an abstract of which is given below.

In May 1890, the people of the Nine Pana Seet presented a petition to the District Magistrate complaining that the Respondents, Gurubasetti and others, of the Eighteen Pana Seet took on the 8th Idem a procession of Virabhadra Devaru & Nandi Kolu through the Cubbon Petta against Inamul. The petition was referred to Mr Knight for a thorough enquiry and report. That officer fixed the following as the chief points to be enquired into:—

Note:— This complaint is the same as was referred to in page 2.

I Whether the street in dispute forms a portion of Cubbon ~~Pet~~ Pet- or Kavadigar Revanna Pet-, and whether it is included in the Nine or Eighteen Panna Pet-.

II Was the act of the Counter Petitioners unauthorized and such as to have provoked a breach of the peace or commission of any other Criminal offence

- Was the act of Counter Petitioners in passing through the street in dispute in procession, contrary to custom?

Petitioners examined the following persons as witnesses:—

1 Narayana Setti.
Setti of the Nagarath Pet-
2. Gurubasa Setti of Ramsetti Pet- (?)
3. Nanjunda Sastri. of Nagarath Pet-
4. Mahomed Kazim of Cubbon Pet-
5. Sabji Sab of Kavanna Pet-
6. Siddappa of Cubbon Pet-

7. Doddaiya of Cubbon Pete

8. Mastān Sab do

The Counter Petitioners examined the following witnesses:—

1. Gauda Papanna of Revanna Pete

2 Sitāppa of Yalahanka gate

3. Kurubar Papanna of Kurubar Pet:

4. Mr. Hamdin, Ry Police Asstt Commr

5. Mahomed Mohadin Police Sergeant—

Mr. Knight after enquiry submitted his report to the District Magistrate on 11th October 90. With regard to the first point he states as follows:— "The name 'Cubbon road' having been given to the street in ~~question~~ dispute cannot, in my opinion, make it a portion of Cubbon Pet, nor can it be concluded that this road was opened solely

solely for the convenience of the residents of Cubbon Sct. The road is a public highway to which every one has a right and the residents of the Pelas on both sides must be viewed as having equal privileges." With regard to the other two points he states that it is possible that neither party ever thought of asserting an exclusive right to the disputed portion of the road, and that there is always an apprehension of a breach of the peace occuring between the Togatars of the 18 Pana Sect and the Devangas of the 9 Pana Sect, during any procession or festival in this quarter of the city. In concluding

He concludes his report thus:—
"Considering how the parties
are located, I do not think
it advisable that the one
should be restricted more
than the other in their
processions through the
public thoroughfares, but
as there is always a possibility
of a breach of the peace
occurring between the Togalars
of the different Panas
and Devangas, who mostly
live in this locality, the
Togalars' houses being within
the disputed portion and
the Devangas alongside,
I would submit that it
would be advisable to
include all processions
from entering the disputed
locality until the parties

come to a settlement between themselves; otherwise that, with due precautions, it be made common to both. . . . ."

Thereupon, Mr. Shujael Ali as the Head of the District Police, passed the order appealed against, permitting processions of the Desada party to pass through the disputed street.

The case appears to have been heard by the 1st Councillor and the honble M. Chentsal Rao Pantalugaru on the 17th of August 1893. They passed an order directing the District Magistrate to cancel the order issued by him and "send up the principal men of both the parties to the Dewan who would try to effect an amicable

settlement. (Vide the decision dated 21st August-93)

The Hon'ble Mr. Chentsal Rao Pantalugaru has made a note below the draft-order thus:- "The Dewan advised the above course."

A copy of the above decision together with the records was forwarded to the District-Magistrate with memo No 3927/P.355- dated 21st August-93.

The District-Magistrate returned the records with his docket-No 477 dated 1/11th October 1893, in which he states as follows:- "... the requirements of letter No 3927/P.335- dated 21st August-/93 have been duly attended to and the parties directed to present themselves before the Dewan Bahadur."

On this docket, Mr. M. Narain Rao the then under Secretary passed the following order on 13th October 1893:- "Place this in the file." No final orders seem to have been passed.

Sir The clerk in charge of record, who got it, understood the order to mean that no further action was called for and therefore did not send up the letter with references for orders -

Last month, the papers were put up in connection with an application for copies presented by one Sandyi Narsappa when, the fact of no final orders having been passed was noticed, and enquiry made -

Shortly after this, i.e. while I was about to submit the file, some of the Petrs (of the present case) came to the office, & asked for early orders. In reply to my enquiry, they said that in pursuance of the Dy Commrs notice they once

came to the Office,
nothing however was done then
as the Dewan was not in Bangalore,
and that they did not come
up again. They have since
presented a stamped application
praying for early enquiry and
orders.
Subd to the Secretary
19/8

The parties have not appeared before
me as required by the orders of
21 August 1893 — The appeal
has determined by the Depy Commr
Cancellation of his order in
favour of the Desada party as directed
in the order of 21 August '93, and
neither party apparently has taken any
further action in the matter — The
Nagarada party say that they once
appeared in the Office but found
that Dwn was absent in Mysore —
It is perhaps desirable
that the parties shd be persuaded
to come to some definite Settlement
amicably — The present Depy
Commr shd endeavour to effect
such a Settlement, without
allowing a revival of the party
feeling which apparently has
lain dormant slumbering these 3½ years —
If he succeeds in effecting such a
Settlement, he shd record it for future
reference together with a Map
showing the roads or streets in question —
and report result, also with Map
for information of Govt — Shd he
fail, then we may think of
further action necessary — Govt
interference in such Cases only serves to
rouse dormant feeling & so the Depy Commr shd
proceed cautiously — This may be sent to the Depy Commr
with a D.O. for information & necessary action. Kittel 25-2-97

Sd/ a Ufk was made to D.H.O.
last month enquiring whether
or not the parties appeared before
the Dewan, and if they appeared
what transpired at the time
Sirsiganna Nanjappa says that D.H.O
is not aware of any orders passed
from which the ryots gained to me, Comr
that they do not appear to have filed
in the Dewan's Kacheri — I
in the Office once when the Dewan
was in, but then Bangalore,
no further action

1/8

Sent to the Dewan
25-8-96

Sent to Dy C.
with a D.O.
7/9/97

1896.

No. 519

Name of Petitioner, B. Narayana Setty &

Village, of Cubbatteparam

Taluk, Bangalore City

District,

Date of Arzi, 6-8-96

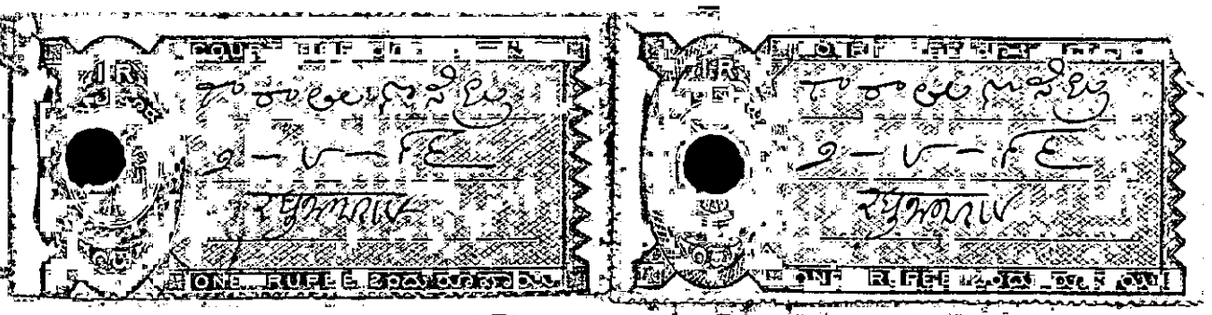
Date of Receipt, 7-8-96

Date of Disposal,

No. of Enclosure, Nil

ABSTRACT.

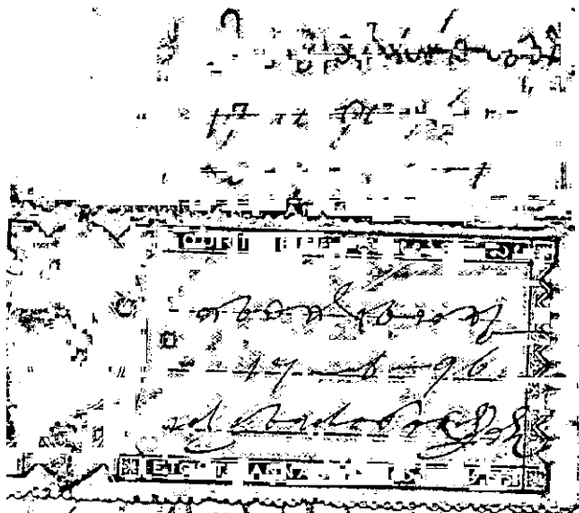
Pray for the early disposal of
Appeal, No. 80 of 1892-93



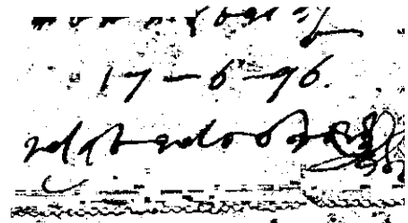
Two one Rupee stamps affixed

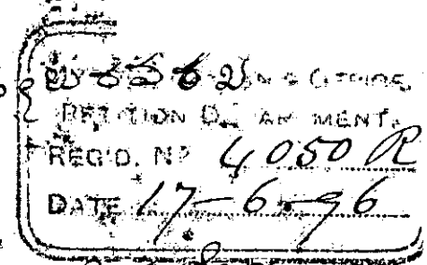
519

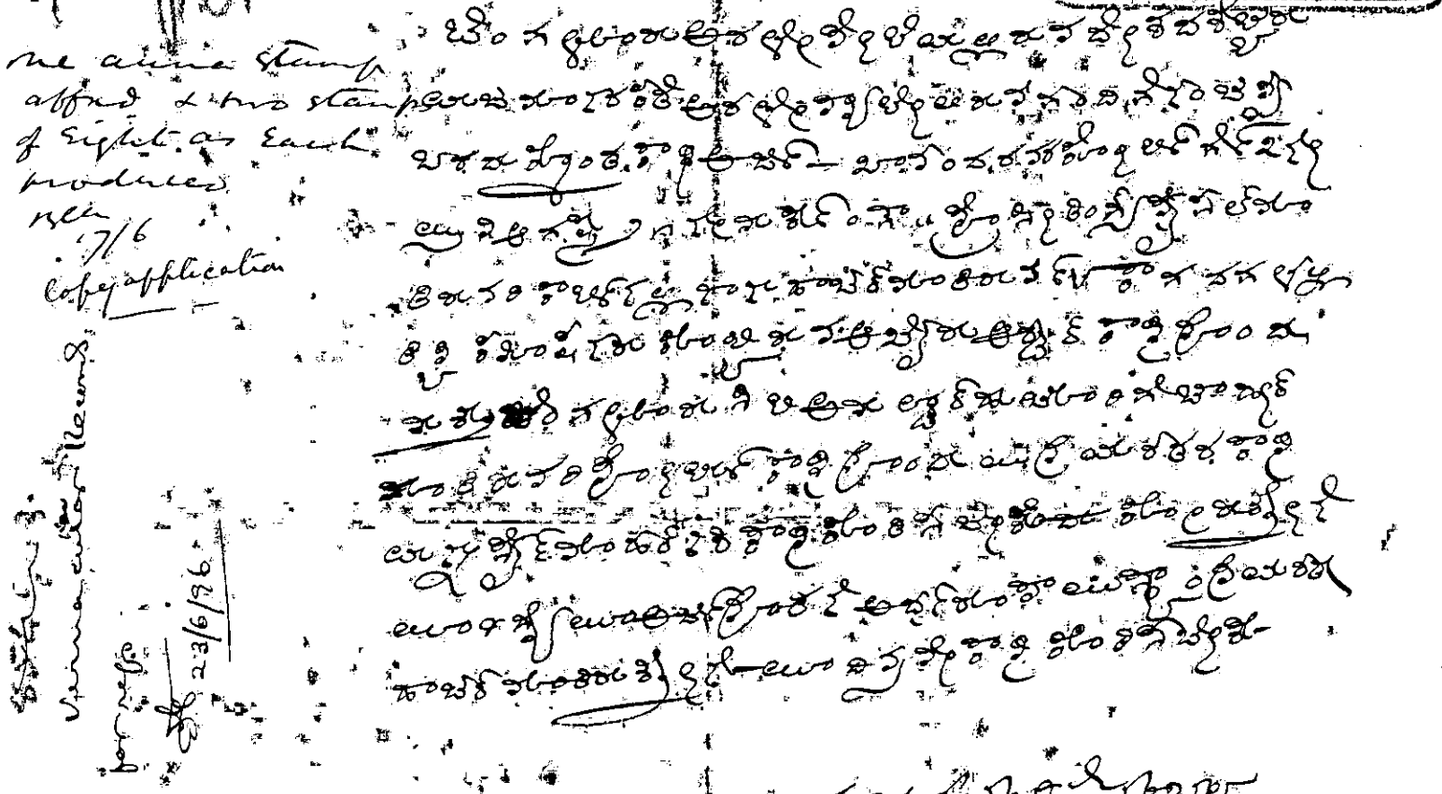
MYS
RECEIVED 519 R
DATE 7-8-96

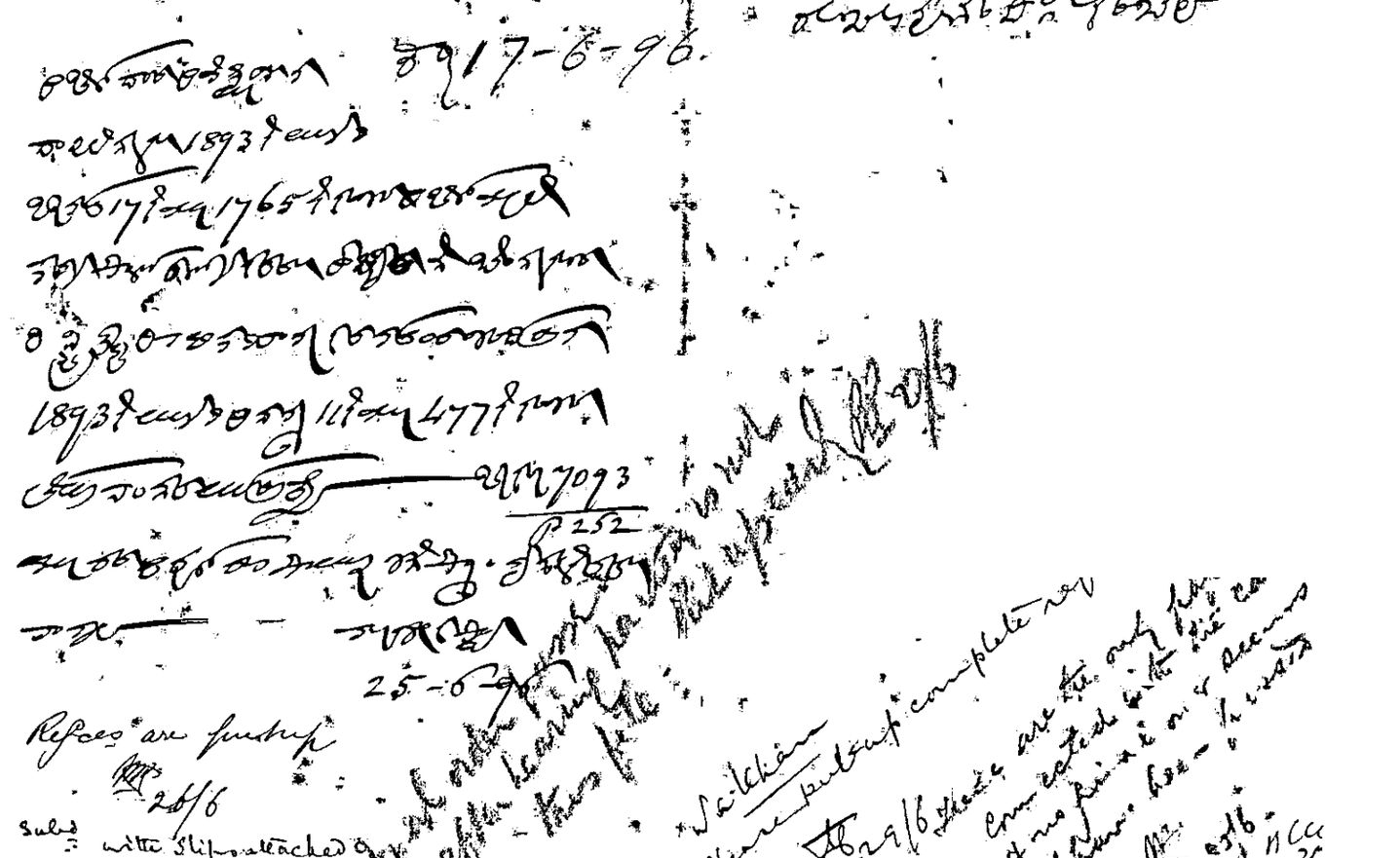


17-6-96.









Mr. Smith

Please bring up to date & put
me up to date with
all that took place before
at & after hearing.

Early

21/7

Subd.

The precis has been continued
up to date. I do not know
what took place at the
hearing, as I was not doing
the Council work then.

W. 21/7

Wahid Ali Khan says that
he understood the Underlined
order on the Dy Comm's letter
No 477 of 11 Oct 1893 viz
"Place this in the file" to
mean that no further action
was called for; and that he
therefore did not send up that
letter with references & orders
that is he understood that the
papers were to be filed. It
is not likely that any orders
were passed by the Dewan without
reference to the papers. The parties
however may have appeared before
the Dewan. Whether or not they
appeared, & if they appeared,
what transpired at the time,
may be ascertained from
Mr. Sivagnana Modliyar —
Arrange & index the file
as an "open file" & send it to
Mr. S. Mod. for such information as
he may be able to give.

7/7 21/7

late. 17/7

Mr. Sivagnana Modliyar for
record.

17/7/96

The Office is not aware
of any orders passed. The
Senior Councillor was in Dewan
Seat in June, & August to Oct.

21/7/96

Three of the letters appeared before
the Secretary & asked for early orders
in the matter.

They said they came to the office
in pursuance of the notice given
by the Dy Comm & were informed
that the Dewan was not in Bangalore
and that they did not call upon.
They further said they would wait
upon the Dewan & Councillors
on the next Executive Council
day & on the remarks that
it would be better for them to
previously apply for & obtain orders
as to the day on which they appear
the said they would submit a
petition thereon.

Await receipt of petition.

26/7/96

23. ~~Ab 16 - 96~~ Ab 153, 96 Mayo

record it for future reference together with a map showing the roads or streets in question & report result with a copy of the map for inform. of Govt. If you fail, then Govt may think of further action necessary. But they are of opinion that such interference in such cases only serves to rouse dormant feeling and wish you to proceed cautiously.

A file of papers open pleasist attached hereto, together with file of Vernacular papers and one file of Magisterial record bearing on the subject is herein enclosed for your information and return with your reply.

Yours sincerely
26/3/97

N. Ranganayakamma Esq
Asst Collr

Mayo
Mylapore 26/3/97
Police 16-96

My dear Sir

In connection with an appeal pending before Govt (B. Narasetti and others of Nagarathpet vs Govt-basetti & others of Desadapet) in the matter of the right of the Nagarthars to carry their procession in a street in the Cubbonpet of the Bangalore City, did not appear before the Dewan as required by the orders of 21st August 93, No 3927 Pet 355. The appeal has determined by the Govt's Cancellation of his order in favor of the Desada party, as directed in the

Some orders, and
neither party apparently
has taken any further
action in the matter.
The Nagarattar party
say that they once
appeared in this
office, but found
that the Dewan was
absent at Singapore.
Govt think that it
is perhaps desirable
that the parties should
be persuaded to
come to some definite
settlement amicably,
and desire you to en-
deavor to effect such
a settlement, without
allowing a revival
of the party feeling
which apparently has
been slumbering for
the last 3½ years. Should
you succeed in effecting
such a settlement,
you are requested to